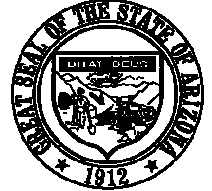




THE STATE OF ARIZONA  
**GAME AND FISH DEPARTMENT**  
2221 West Greenway Road, Phoenix, AZ 85023-4399  
(602) 942-3000 • www.azgfd.com

**Governor**  
Janet Napolitano  
**Commissioners**  
Chairman, Joe Carter, Safford  
Susan E. Chilton, Arivaca  
W. Hays Gilstrap, Phoenix  
Joe Melton, Yuma  
Michael M. Golightly, Flagstaff  
**Director**  
Duane L. Shroufe  
**Deputy Director**  
Steve K. Ferrell



November 14, 2003

A public meeting of the Arizona Game and Fish Commission will be held on December 4, 2003, and as authorized by A.R.S. § 17-201(D), the Commission will discuss and may vote to take action on the following matters:

**Thursday, December 4, 2003, Arizona Game and Fish Commission at the Holiday Inn, 245 London Bridge Avenue, Lake Havasu City, Arizona.**

**Meeting begins at 7:00 a.m.**

**1. Executive Session**

- a. Purchase, Sale, or Lease of Real Property.** The Commission may vote to go into Executive Session to discuss, consult with, and instruct its attorneys and Department staff concerning negotiations for the purchase, sale, or lease of real property and associated water rights pursuant to A.R.S. § 38-431.03 (A)(7).
- b. Legal Counsel.** The Commission may vote to meet in Executive Session in accordance with A.R.S. § 38-431.03 (A) (3) and (4) for the purpose of discussing and consulting with legal counsel in order to consider its position and to instruct legal counsel regarding the Commission's position on *State of Arizona v. Norton*, CIV02-0402 PHX-FJM; *Montoya v. Manning*, 301 F.3d 985 (9<sup>th</sup> Cir. 2002); *In Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game & Fish Commission & Shroufe*, CIV2000-020754; *Mary R. LLC, et. al. v. The Arizona Game & Fish Commission*, CIV2001-015313; *Ameduri and Yee et. al. v. U.S. Forest Service et al.*, U.S. District Court No. CIV 02 2495 PCT FJM; *Bar D Cattle Co. v. Shroufe*, CIV2002-0872; and in the matter of *Search Warrant No. CR 2002-2395SW*; *The Fund for Animals et. al. v. Norton et. al.*, USDC D.C. 1:30-CV-00892 (RJL); and *Phelps Dodge Corp. v. Arizona Dept. of Water Resources*, LC2003-000243-001DT.
- c. Legal Advice.** The Commission may vote to meet in Executive Session in accordance with A.R.S. § 38-431.03 (A)(3) for the purpose of receiving legal advice on the eligibility of using Prop 202 - Arizona Wildlife Conservation Fund monies for the construction of shooting facilities.
- d. Personnel Matters.** The Commission may vote to go into Executive Session to discuss personnel matters, including the Director's goals and objectives pursuant to A.R.S. §38-431.03 (A)(1). The Commission may decide this matter in the public meeting or defer a decision to a later date.

**Commission Work Session.** Commission Work Session, which is open to the public, begins immediately following the Executive Session, but no later than 8:00 a.m.

- 2. Presenter: Terry B. Johnson, Chief, Nongame and Endangered Wildlife Program. List of Species for which Heritage “IIAPM” Funds can be Expended Workshop.** The Commission will participate in a workshop with Department staff regarding a draft list of species that meet the criteria at A.R.S. § 17-296, defining the “sensitive species” for which Heritage “IIAPM” funds (including land acquisition funds) can be expended. This item is informational only. No action will be taken by the Commission.

**The General Agenda Public Session begins immediately following the Commission Work Session, but no later than 10:00 a.m.**

#### **Awards and Commissioning of Officers.**

- 3. Presenter: Terry Johnson, Nongame Branch Chief. List of Species for which Heritage “IIAPM” Funds can be Expended.** The Department will present to the Commission a draft list of species that meet the criteria at A.R.S. 17-296, defining the “sensitive species” for which Heritage “IIAPM” funds (including land acquisition funds) can be expended. The Commission will be asked to vote to approve the list, and to delegate to the Director the authority to amend the list as appropriate and necessary.
- 4. Presenter: Terry Johnson, Nongame Branch Chief. Commission Decision on Approving an Intergovernmental Agreement with Various State, Federal, Tribal, and County Government Cooperators for Adaptive Management of the Mexican Wolf.** The Commission will be asked to vote to authorize the Department to execute, renew, and amend as necessary an agreement with various State, Federal, Tribal, and County Government Cooperators for Adaptive Management of the Mexican Wolf.
- 5. Presenter: John Kennedy, Habitat Branch Chief. An Update on Current Issues, Planning Efforts, and Proposed Projects on State and Federal Lands in Arizona and Other Matters Related Thereto.** The Commission will be briefed on the latest developments relating to the implementation of land and resource management plans and projects on state and federal lands in Arizona and other matters related thereto. The update addresses decisions or activities since the October 17, 2003, Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 6. Presenter: Kerry Baldwin. Education Branch Chief, Information and Education Division. Statewide Shooting Range Project Update.** The Commission will be provided a presentation on the status of various statewide shooting range issues and projects. The update addresses decisions or activities since the October 17, 2003, Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.

7. **Presenter: Kerry Baldwin, Education Branch Chief, Information and Education Division. Statewide Shooting Ranges Grant Approval.** The Commission will be asked to vote to approve a Statewide Shooting Range Grant Proposal from Maricopa County to finalize design and construction documents for the public shooting facility at Buckeye Hills Recreation Area.
8. **Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the Host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.
9. **Presenter: Anthony Guiles, Legislative Liaison. State and Federal Legislation.** The Commission will be briefed on the status of State and Federal legislation. The Commission may vote to take a position or provide direction to the Department for coordination, action, or proposed changes to legislation or other elective issues related to Department responsibilities.
10. **Presenter: Jim deVos, Research Branch Chief. Request for Commission Approval to Enter into an Agreement with the National Park Service to Conduct Inventories and Monitoring of Cactus Ferruginous Pygmy Owls on Organ Pipe National Monument.** The Commission will be asked to vote to authorize the Department to enter into an agreement with the National Park Service to conduct inventories of areas where construction projects will be conducted on Organ Pipe National Monument.
11. **Presenter: Leonard L. Ordway, Law Enforcement Branch Chief. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife at Time Certain 1:30 p.m.** The Commission will consider and take action on the Department's recommendations for license revocations and/or civil assessments for the following individuals.

<u>Name</u>	<u>Conviction</u>
Phillips, Scott	Count A: Knowingly take wildlife during the closed season (white-tailed doe deer).
Lueker, Matthew	Count A: Possess unlawfully taken wildlife (antelope). Count B: Knowingly take big game during a closed season (antelope).
Browning, Warren	Count A: Possess unlawfully taken wildlife (antelope).
Carter, Austin	Count A: Take bull elk during antlerless elk season. Count B: Possess/transport unlawfully taken wildlife (bull elk).
Rout, Raymond	Count B: Obtain 2002 license by fraud. Count C: Obtain 2002 Elk Permit by fraud.
Feenstra, Matthew	Count D: Waste of edible game meat (mule deer).

- 12. Presenter: Leonard L. Ordway, Law Enforcement Branch Chief. Rehearing Request Regarding Previous License Revocation/Civil Assessment.** Mr. Chad L. Smith, has requested the Arizona Game and Fish Commission to schedule a rehearing regarding the action taken on September 5, 2003, revoking his current license(s) to hunt, fish, trap, and guide and denying his privilege to hunt, fish, or trap for a period of five (5) years, invoking a civil assessment of \$2,450.00 and further requiring him to complete Hunter Education before obtaining any license(s) in the State of Arizona. The Commission may vote to affirm or modify its decision, or grant a rehearing.
- 13. Presenter: Tice Supplee, Game Branch Chief. Presentation of the Draft Arizona Game and Fish Department Guidelines and Recommendations for the 2004-2005 Hunting and Trapping Seasons and Proposed Changes to Commission Rules Regarding Wildlife Areas for Commission Approval.** The public review draft of the Arizona Game and Fish Department Guidelines and Recommendations for the 2004-2005 Hunting and Trapping Seasons and proposed changes to Commission Rules R12-4-801, R12-4-802 and R12-4-803 will be presented to the Arizona Game and Fish Commission for any additions or corrections prior to being presented to the public. The Commission may vote to further direct the Department to consider changes and/or new opportunities in the hunting and/or trapping seasons.
- 14. Presenter: Mark Naugle, Rules and Risk Manager. Request to Approve the Notice of Final Rulemaking and Economic, Small Business, and Consumer Impact Statement for R12-4-101. Definitions; R12-4-104. Application Procedures for Issuance of Hunt Permit-tags by Drawing; and R12-4-107. Bonus Point System for Filing with the Governor's Regulatory Review Council.** The Commission will be asked to vote to approve the Notice of Final Rulemaking and Economic, Small Business, and Consumer Impact Statement for R12-4-101. Definitions; R12-4-104. Application Procedures for Issuance of Hunt Permit-tags by Drawing; and R12-4-107. Bonus Point System for filing with GRRC. The proposed rulemaking will authorize the purchase of bonus points through a "bonus point hunt number" (limited to 1 bonus point per year, per genus, per applicant), and the reinstatement of bonus points for those who return hunt permit-tags issued through the draw due to activation in response to a state or national emergency or declared action.
- 15. Presenter: Mark Naugle, Rules and Risk Manager. Request to Close the Rulemaking Record and Approve the Notice of Final Rulemaking and the Economic, Small Business and Consumer Impact Statements for Amendments to the Following Article 3 Taking and Handling of Wildlife Rules: R12-4-301, R12-4-302, R12-4-303, R12-4-304, R12-4-305, R12-4-306, R12-4-307, R12-4-308, R12-4-310, R12-4-311, R12-4-312, R12-4-313, R12-4-314, R12-4-315, R12-4-316, R12-4-318 and R12-4-319; and for the Promulgation of New Article 3 Taking and Handling of Wildlife Rules R12-4-317 and R12-4-320 for filing with the Governor's Regulatory Review Council.** The Commission will be asked to vote to close the rulemaking record, and approve the Notice of Final Rulemaking and the Economic, Small Business and Consumer Impact Statements for amendments to the following Article 3 Taking and Handling of Wildlife rules: R12-4-301, R12-4-302, R12-4-303, R12-4-304, R12-4-305, R12-4-306, R12-4-307, R12-4-308, R12-4-310, R12-4-311, R12-4-312, R12-4-313, R12-4-314, R12-4-315, R12-4-316, R12-4-318 and R12-4-319; and for promulgation of new Article 3 Taking and Handling of Wildlife rules R12-4-317 and R12-4-320 for filing with the Governor's Regulatory Review Council.

- 16. Presenter: Mark Naugle, Rules and Risk Manager. Request to Approve the Notice of Proposed Rulemaking and the Preliminary Economic, Small Business, and Consumer Impact Statements for amendments to the Following Article 6 Rules of Practice Before the Commission Rules: R12-4-601, R12-4-602, R12-4-603, R12-4-604, R12-4-605, R12-4-606, R12-4-607, R12-4-609, and R12-4-610; and for the Promulgation of New Article 6 Rules of Practice Before the Commission Rule R12-4-611 for Filing with the Secretary of State.** The Commission will be asked to vote to approve the Notice of Proposed Rulemaking, and the preliminary Economic, Small Business, and Consumer Impact Statements for amendments to the following Article 6 Rules of Practice Before the Commission rules: R12-4-601, R12-4-602, R12-4-603, R12-4-604, R12-4-605, R12-4-606, R12-4-607, R12-4-609, and R12-4-610; and for the promulgation of new Article 6 Rules of Practice Before the Commission rule R12-4-611 for filing with the Secretary of State.
- 17. Presenter: Richard Rico, Assistant Director, Special Services. Headquarters Master Planning Committee.** The Commission will be asked to nominate a Commissioner to serve on the Department's Headquarters Master Planning Committee. In addition, the Commission will be asked to vote to approve the team members as recommended by the Department.
- 18. Presenter: Bruce D. Taubert, Assistant Director, Wildlife Management Division. A Report on the Progress and Activities that have Occurred Since Implementation of the Memorandum of Agreement with the U.S. Fish and Wildlife Service Regarding Endangered Species Act Section 7.** The Department will provide the Commission with a report on the progress and activities that have occurred since implementation of the umbrella Memorandum of Agreement with the U.S. Fish and Wildlife Service regarding Endangered Species Act Section 7. This item is informational only. No action will be taken by the Commission.
- 19. Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the Host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.
- 20. Litigation Report.** The Department's legal counsel may report on the status of the following litigation matters: *State of Arizona v. Norton*, CIV02-0402 PHX-FJM; *Montoya v. Manning*, 301 F.3d 985 (9<sup>th</sup> Cir. 2002); *In Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game & Fish Commission & Shroufe*, CIV2000-020754; *Mary R. LLC, et. al. v. The Arizona Game & Fish Commission*, CIV2001-015313; *Ameduri and Yee et. al. v. U.S. Forest Service et al.*, U.S. District Court No. CIV 02 2495 PCT FJM; *Bar D Cattle Co. v. Shroufe*, CIV2002-0872; and in the matter of *Search Warrant No. CR 2002-2395SW*; *The Fund for Animals et. al. v. Norton et. al.*, USDC D.C. 1:30-CV-00892 (RJL); and *Phelps Dodge Corp. v. Arizona Dept. of Water Resources*, LC2003-000243-001DT. A written report will also be available. The Commission may vote to take action on any case.

- 21. Director's and Chairman's Reports.** The Director and the Chairman will report on recent Department and Commission activities. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.
- 22. Commissioners' Reports.** The Commissioners will report on their recent activities related to Game and Fish Commission duties and responsibilities. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.
- 23. Approval of Minutes** for a Telephone Conference Call on October 9, 2003, and meeting on October 17-18, 2003, and **Signing of Minutes** for September 4-6, 2003.
- 24. Future Agenda Items.**
- 25. Presenter: Dana Yost, Executive Staff Assistant. 2003 Annual Commission Awards Selection and Saturday Afternoon Meeting Agenda for the January 17, 2004, "Meet the Commission" Event.** The Department will provide an overview of the 2003 Commission award nominees and will ask the Commission to vote to select the 2003 Commission award recipients. The Department will also ask the Commission to provide the Department with direction on the agenda for the Saturday afternoon meeting portion of the January 17, 2004, "Meet the Commission" event.
- 26. Presenter: Dana Yost, Executive Staff Assistant. Preview of the 2003 Year in Review Video for the January 17, 2004, Saturday Afternoon "Meet The Commission" Event.** The Department will provide the Commission with a preview of the 2003 *Year in Review* video and will ask the Commission to vote to provide the Department with direction on modifications or edits to the presentation.

**Friday, December 5, 2003, Arizona Game and Fish Commission at the Bill Williams River National Wildlife Refuge, Lake Havasu City, Arizona.**

**Meeting begins at 11:00 a.m.**

The Commission may attend the Bill Williams River National Wildlife Refuge dedication ceremony, luncheon, and facilities tour. No official action will be taken.

The agenda may be revised and additional items may be added prior to the meeting as authorized by A.R.S. §38-431.02. In that event, an addendum to the agenda will be noticed and posted prior to the meeting at Department offices. Commission agenda items not noticed for a specific time may be taken out of order. Members of the Commission will attend either in person or by telephone conference call.

Background materials provided to Commission members concerning public agenda items are available for public inspection at the main office of the Arizona Game and Fish Department at 2222 West Greenway Road, Phoenix, at Department regional offices in Pinetop, Flagstaff, Kingman, Yuma, Tucson, Mesa and at the meetings.


During the public meeting, the Commission will afford any person, his duly authorized representative, or both, the opportunity to present statements relating to agenda items, with or without the opportunity to present them orally.

The Commission may go into Executive Session for the purpose of obtaining legal advice from the Commission Attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03 (A) (3) & (4).

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, or this document in an alternative format, by contacting the AGFD Deputy Director, 2221 W. Greenway Road, Phoenix, Arizona 85023, 602-942-3000. Requests should be made as early as possible to allow time to arrange the accommodation.

The Arizona Game and Fish Department is responsible for managing Arizona's fish and wildlife resource as an enduring public trust. In addition, the Department is charged with promoting safe and responsible use of watercraft and off-highway vehicles. Funding is provided from the sale of licenses and permits; watercraft registration fees; federal excise taxes on firearms, fishing equipment, boats, and other sporting goods; State lottery revenues; donations on State income tax forms; and various contracts and grants. Department policy is set by the Arizona Game and Fish Commission, whose five members are appointed by the Governor.

*"Managing Today for Wildlife Tomorrow"*

A handwritten signature in black ink, appearing to read "Duane L. Shroufe". The signature is fluid and cursive, with the first name "Duane" being more legible than the last name "Shroufe".

Duane L. Shroufe  
Director

DLS:dy